

The Appeals Board, in finding claimant had failed to prove by a preponderance of the credible evidence that he suffered accidental injury arising out of and in the course of his employment with respondent, denied claimant all benefits under the Workers

Compensation Act. As such, the Order by the Special Administrative Law Judge for a vocational rehabilitation evaluation referral should be set aside and held for naught.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the Order of Special Administrative Law Judge William F. Morrissey dated November 27, 1995, shall be, and is hereby, set aside and held for naught and claimant is denied his request for a referral for a vocational rehabilitation evaluation, having failed to prove by a preponderance of the credible evidence that he suffered personal injury by accident arising out of and in the course of his employment with respondent on the date alleged.

IT IS SO ORDERED.

Dated this ____ day of January 1996.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

c: James C. Wright, Topeka, KS
John B. Rathmel, Overland Park, KS
Bruce A Brumley, Topeka, KS
William F. Morrissey, Special Administrative Law Judge
Philip S. Harness, Director